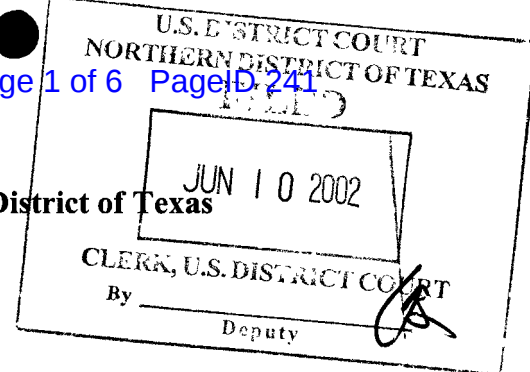


ORIGINAL



**In the United States District Court for the Northern District of Texas
Dallas Division**

(USA and)
Jamal Elhaj-Cehade
Co- plaintiff

Vs.

3:01-CV-01301-L

**Educational Commission for Foreign Medical Graduates
Et al entities and individuals) Defendants**

**Plaintiff's motion to leave to answer out of time, and the plaintiff notice of
the new development in this case
June 10, 2002**

Comes now on this date June 10, 2002, the plaintiff is filing his motion to leave to answer out of time and his notice for the development in this case as follow:

- 1- the plaintiff filed his motion for summary judgment on May 29, 2002 after conferring or leaving messages with the defendants attorneys. The plaintiff filed his motion on the ground that the defendants did not answer the plaintiff's requests to produce the requested documents, or did not identify and completely neglected his NEEDS.
- 2- On June 3, 2002, the defendants filed their motion for summary judgment later without any type conference with the plaintiff who received it on June 5 2002 and the plaintiff considered it as a response to his motion and filed his response on June 7, 2002. asserting that the defendants failed to comply with the rules and that the evidences are self explanatory because the plaintiff requested to have his NEEDS Diagnosed first by the defendants before any type of filing or motion or order on their parts. Therefore the evidences are self explanatory against the defendants as to render judgment into the plaintiff favor for their actions and readiness and admittance to the charges brought against them(Taking advantage or exploit the plaintiff is the OPPOSITE if diagnosing and treating the plaintiff's NEEDS).
- 3- Later, the defendants attorney told the plaintiff(when the plaintiff contacted him via telephone) that he filed something with the court. Since the plaintiff is the initial moving party, **the plaintiff must have the final response in accordance with the rules.** And the plaintiff does have seven days to do so. BUT the plaintiff so far and after several days, **did not receive any service from the defendants,** and the plaintiff is **unaware of the content** of the defendants latest filings. Therefore *the plaintiff is entitled for an extension until he receives such service of filing.* In the meantime, the plaintiff is notifying this court of the following events and explanations Below:

Plaintiff statement

The plaintiff is hereby reaffirm under oath and under the penalty of perjury that all his statement, and all the exhibits, submitted by the plaintiff past, present and future, all are true copies of the original, and that all are to be considered as sworn under oath,

and that the plaintiff is willing to provide copies of the originals or the whole and complete documents, where applicable, and authentication when required by the law(provided the party requesting the authentication or the full packages pays in advance for the cost for not complying with the FRCP rules of reducing cost of litigation). The plaintiff reaffirms that all the documents are admissible under FRCP rules without any further requirement on his part, because all comes from Governmental(IRS, Courts etc..) and public sources and they are admissible as such, or the documents originate with the defendants(do not need authentication as the defendants are in possession of the original). And that the defendants actions speak louder than any document. And that the plaintiff signature at the end of this filing must be considered as the plaintiff sworn statement under penalty of perjury on each statement and document and exhibit.

FACTS- update

- 1- Every year, the defendants renew their obligations(contracts, duties) toward the plaintiff and rename the plaintiff(and/or his group) as their beneficiary(Exhibits P2 and P3) before the Government or the public.
- 2- The defendants do have a duty to diagnose(identify) the plaintiff needs and meet them(exhibit P2 and P3)- plaintiff being a graduate of Foreign Medical School.
- 3- In order for the plaintiff to request and obtain a license from any State Medical Board, all the plaintiff 's NEEDS must have been satisfactory identified and met by the defendants First. The defendants do have the duty to identify the plaintiff needs and meet them.(exhibit P2)- therefore the defendants are liable for any delay incurred into such delay.
- 4- exhibit P4 showing evidence of the defendants lack of concern over the plaintiff's needs regarding licensure requirement- It is also the duty of the ECFMG to identify the plaintiff NEEDS and meet them before the plaintiff can apply for license- **the plaintiff's question is " How can the ECFMG identify the plaintiff's NEEDs and Meet them not knowing what the plaintiff requirement for license are?"**. – the defendants do have the duty to identify and meet the plaintiff needs(requirement) even if such requirement NEEDs an extra arm and an extra leg.
- 5- The defendants obligations toward the plaintiff are independent of the status of the plaintiff ECFMG Certificate status(exhibit P5.1 and P5.2). the plaintiff can raise such obligation whenever he wish and without any time frame or limitation. And that any court order in favor of the plaintiff is independent of the plaintiff ECFMG status. In other word, the certificate is not required to have the defendants obey the laws and award the plaintiff the requested reliefs

- 6- The plaintiff is **today a returning physician**. The defendants admitted by their agent Royce Holmes In the two-page letter dated January 13, 1997(**Exhibit attaché P5.1 and P5.2**) that the plaintiff can return at any time as he is allowed to have his credentials to expire. Furthermore, in exhibits P2 and P3 the defendants obligations toward the plaintiff “ To diagnose and treat his NEEDS as in exhibits P2 and P3” do not require any Certificate in advance, and such obligations apply toward all, holders and non-holders alike of an ECFMG Certificate. The plaintiff is now a returning and he is asking the defendants to identify his NEEDS and meet them as in exhibit P2 and P5.1
- 7- According to the defendants(Royce Holmes in exhibit P5.1 and P5.2), **all the past** does not count, and there is no damages to the plaintiff by the delays in verification of his credentials from overseas in the 1990, and that whatever happen in the past(certificate expire etc...) does not extend to the future should the plaintiff wish to start anew. Subsequently, even if Jane Boyle order is irreversibly final against the plaintiff On January 2001. Her order applies only to past events and not future one. All what it takes is for the plaintiff to show his readiness to return as a Physician. It is when the plaintiff decides to reclaim his career that counts. **The plaintiff decided to reclaim his career after judge Boyle decision in January 2001, and the defendants do have** the duty to properly identify his NEEDS and meet them(and **this is the subject of this lawsuit- further aggravation**). And that any argument by the defendants regarding the past, and Romania, and letters and Senators and Congressmen are all the **Past and neutralized and obsolete** by the *exhibit P5.1 and P5.2*. **This case is about NOW**(New cause of action and within a statute of limitation). The only argument that can be drawn and introduced from the past is **the Pattern of** the defendants should they engage into hostility against the plaintiff and for which the plaintiff is entitled for reliefs and injunction(No excuse). Should the defendants commit now any hostility(omission or commission) against the plaintiff, the plaintiff is entitled for all maximum reliefs, past, present and future etc.. must be done against the defendants for teaching lessons and deter them and etc.....
- 8- The plaintiff has already accomplished a minimum of 75 Credit Hours courses taught in English and in an accredited US College or University and with Honor Grades Marked as A#, (Exhibit P1, and exhibit P9), therefore the plaintiff is asking the defendants to consider his requests and for July 2002 for **their FIFTH PATHWAYS PROGRAM, or COTRANS** and any other programs that the defendants have and which meet the plaintiff's NEEDS (exhibits P2 and P3).
- 9- **This case is a civil case, FRCP rules state that evidences are preponderant and must be viewed into the plaintiff favor, and that the actions and history of the defendants must be viewed as a pattern of conduct in conducting evidence.**

Argument

- 1- the defendants admitted to owe the Graduates Of Foreign Medical Schools(the plaintiff) a duty to identify and meet their needs (Exhibit P2 and P3). Consequently the **defendants MUST** Have programs that meet the following needs:
 - i- Programs for doctors who need to learn Medical English
 - ii- Programs for returning doctors like the plaintiff
 - iii- Programs that prepare doctors to succeed in their lives
 - iv- Programs for doctors who have difficulties passing their examinations
 - v- Programs for doctors having difficulties with the States Medical Boards
 - vi- Programs for doctors who NEED to transfer into a US Medical School such as COTRANS .
 - vii- Programs for doctors having difficulties finding residencies and which prepare those doctors to be able to find them.
 - viii- Programs for doctors who wish to maximize their benefits
 - ix- Programs for doctors who have some other educations enabling them to use as benefits to boost their Medical careers
 - x- Programs that meet the plaintiff needs etc.....
 - xi- Programs etc....

Therefore the plaintiff is asking the defendants to identify his NEEDs and meet them Now and before July 1st 2002. The program must meet the plaintiff's NEEDS(promote his excellence ,advancement, maximize his benefit, and satisfy at least one of the licensure requirements etc...(see exhibit P9) and this should serve as an official request having the defendants refuse to answer.

- 2- the plaintiff litigation is to reclaim his career and education and his cultural identity, therefore, the defendants do have the duty to identify the plaintiff's legal NEEDS and meet them before any proceeding to occur. And should the defendants exploit the matter by filing their dispositive motions or any demand without meeting the plaintiff legal NEEDS constitutes evidences against the defendants for which judgment into the plaintiff's favor must occur.
- 3- The defendants are also liable for any adverse damages that occur to the plaintiff should the defendants delay, refuse or fail to properly diagnose the plaintiff's legal needs and meet them. The plaintiff is further asking the defendants to find a solution that meet the plaintiff needs before June 28, 2002 and that any court order against the plaintiff, absent identification and meeting the plaintiff legal needs which are urgent, **constitute a new ground for a new cause of actions of tort against the defendants** for failure to properly and adequately "Diagnose and treat the plaintiff's NEEDS". The defendants do not have any room of escape.

Request

The plaintiff is further asking this court to extend the time for the plaintiff to reply, and allow the use of this filing as an adjunct to the plaintiff proceedings.. furthermore, the plaintiff sees that the best thing to clarify the matter is by having the parties meet before

judge to clarify the matter since each party has filings and issues. Or the evidences are explicitly clear against the defendants because the plaintiff NEEDS must diagnosed and met before this court proceeding(plaintiff legal NEEDs are also part of the plaintiff cultural and educational NEEDS) and that there is no signs of such a thing to happen, therefore judgment must be into the plaintiff's favor.

Attached are the following exhibits and certificate

The plaintiff is hereby certifying that all his past, present, and future Statements and exhibits including those attached or listed in this filing are true and correct of the original, under the penalty of perjury. And the plaintiff signature anywhere in this filing shall be considered as a signature on each document and statement.

ATTACHED ARE the Following Exhibits original or true copies of:

P1- Plaintiff recent college transcript, see also **exhibit P9**

P2- Defendants Statement before the US Government(IRS) in ECFMG tax file for the year 1999{ statement 3 of the ECFMG 1999 tax file}- Expressing the defendants obligations toward the plaintiff(and his group)

P3: page one of 3 of the defendants ECFMG BYLAWS titled as article I of ECFMG name and Purpose(it is a part of the ECFMG income tax files for the year 1997).

P4: a letter by Stephen Seeling of ECFMG dated November 10, 1998 indicating that the ECFMG does not identify the plaintiff needs and meet them in accordance of the license requirement. Therefore it does constitute as admission for their improper diagnosis and treatment techniques of the plaintiff's NEEDS

P5.1 and P5.2: a 2-page letter by Royce Holmes dated January 13, 2002. admitting that the plaintiff can return and reclaim his career whenever he wishes. It has a significance because the plaintiff is now reclaiming even after Jane Boyle decision and regardless of the outcome of her decision.

P6: a letter stating that the plaintiff re-passing of ECFMG English test for the march 1997 exam

P7.1 and P7.2: is a part of the USDC Greenville South Carolina **court record** for the case nr 6.99-1676-24 (see also exhibit P8.1 and P.8.2)- P7.1 and P7.2 is the webpage(no longer exist) of Dr Badralsadat Madani(Badri) for her Ernest campaign of Foreign Medical Graduates www.ecfmg.com criticizing the practices of the ECFMG(www.ecfmg.org) the defendants in this court case 3-01-CV-1301-L. The ECFMG sued Dr Madani for voicing her opinion(exhibit P-8.1 and 8.2) and bought the website where dr badri webpage is and shut her down without her permission and without winning in court. It speaks for itself and supports the plaintiff previous arguments in his motion for summary judgment filed May 29, 2002 – it is a part of **court record** and admissible as evidence

P-8.1 and **P8.2** are pages 1 and 20 of the defendants lawsuit against dr Badri for speaking the truth. The defendants admitted to be for **profit** and **in treble** amount(P8.2). it speaks for itself

P9: is one of the repetitive plaintiff requests asking the defendants to identify his needs and meet them – it is an e-mail sent by the plaintiff to the defendants and to their attorneys on March 11, 2002 .. see also P1.

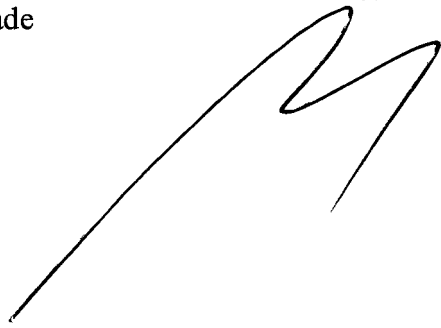
Certificate of service

This is to certify that a true copy of the foregoing has been sent to the defendants attorney with their attachment via e-mail on June 10, 2002 and via USPS regular pre-paid mail to the defendants attorney at their address 6688N Central Expwy # 850, Dallas Texas 75206-3913, and that the plaintiff contacted the defendant attorney Mark Robert Friday and Saturday June 7 and 8, 2002 and left a message. And that the plaintiff do re-certify that all his statements past, present and future are true, and that all exhibits submitted by the plaintiff at any time are true copies of the original and that all of them are admissible under the FRCP rules of evidence and that should any inquiries regarding those evidences the plaintiff is willing to answer it and meet it under the laws and should a full text required or original directory required, the plaintiff will submit upon request(provided the party asking such burden pay for the cost in advance and in compliance of FRCP and TRCP rules of reducing costs in litigations.

Respectfully submitted
Dr Jamal Elhaj_chehade, pro-se(tentatively), plaintiff
5414 Cedar Springs # 806
Dallas Texas 75235
e-mail heyjam7@yahoo.com

Attached are exhibits P1- through P9.

Signature, plaintiff, pros-e(tentatively)
Dr jamal elhaj_ chehade

A handwritten signature in black ink, appearing to be 'Dr. Jamal Elhaj_chehade', written in a cursive style.